

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

C.R.P.(NPD).No.1004 of 2015
and M.P.Nos.1 & 2 of 2015

Perumal Gounder

... Petitioner

Vs.

1.Janarthanan

2.Pachaiyammal

3.Ramasami Gounder

... Respondents

Civil Revision Petition filed under Section 115 of the Civil Procedure Code against the order of dismissal of O.E.A.No.91 of 2004 in E.P.No.142 of 1997 in O.S.No.1068 of 1987 dated 23.12.2014 on the file of the Principal District Munsif Court, Vandavasi.

For Petitioner : Mr.R.Margabandhu

ORDER

The revision has been filed by the 3rd party claimant challenging the order passed in O.E.A.No.91 of 2004 in O.E.A.No.90 of 2004 in E.P.No.142 of 1997 in O.S.No.1068 of 1987 on the file of the Principal District Munsif Court, Vandavasi.

2.The revision petitioner filed an application in O.E.A.No.90 of 2004 under Order 21 Rule 58 of the Civil Procedure Code in the year 2004. Along with the stay application, the revision petitioner also filed an application under Order 21 Rule 26 of the Civil Procedure Code in O.E.A.No.91 of 2004 to stay the execution proceedings. The Executing Court dismissed the application, against which, the claimant has filed the above Civil Revision Petition.

3.When the matter is taken up for hearing, Mr.R.Margabandhu, learned counsel appearing for the petitioner submitted that it would be suffice to direct the Principal District Munsif Court, Vandavasi to dispose of the claim petition filed by the revision petitioner in O.E.A.No.90 of 2004 within a stipulated time. Further, the learned counsel submitted that the respondents in O.E.A.No.90 of 2004 had already filed their counter and the matter is in the part heard stage.

4.In view of the submissions made by the learned counsel for the petitioner, without expressing any opinion with regard to the merits of the case, I direct the Principal District Munsif, Vandavasi, to dispose of the

application in O.E.A.No.90 of 2004 in E.P.No.142 of 1997 in O.S.No.1068 of 1997, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is open to the revision petitioner to raise all defences available to him before the Executing Court.

5.With these observations, the Civil Revision Petition is disposed of.
No costs. Consequently, the connected miscellaneous petitions are closed.

Index : No
Internet : Yes
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21.06.2016

To

The Principal District Munsif Court,
Vandavasi.

M.DURAIWAMY,J.
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